

#9 2-4-97
T. Bay

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 76333/108



In re patent application of

Joel S. GREENBERGER

Serial No. 08/484,836

Group Art Unit: 1804

Examiner: A. Milne

Filed: June 7, 1995

For: PROTECTION FROM IONIZING IRRADIATION OR
CHEMOTHERAPEUTIC DRUG DAMAGE BY IN VIVO GENE THERAPY

AMENDMENT AND REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 1.111

RECEIVED
JAN 29 1997

Assistant Commissioner for Patents
Washington, D.C. 20231

GROUP 1800

Sir:

In response to the Office Action mailed July 9, 1996,
please consider the following remarks:

REMARKS

Applicant notes that the outstanding Office Action was written prior by Examiner Milne prior to his issuance of the Notice of Allowability on July 10, 1996 in the parent application, 08/136,079 (hereinafter '079), of the instant application. A copy of the claims allowed in '079 appears at Appendix 1.

The outstanding Office Action reiterates the basic rejections that Examiner Milne expressed in the parent '079 application. The majority of these rejections were overcome by arguments and two Declarations submitted during the prosecution of the parent application.

The restated rejections also do not address aspects of the instant application that are new. New claim 17 is directed to a method of the instant invention wherein the polynucleotide used in the method is under control of an inducible transcriptional regulatory sequence. New claim 18 is directed to a method of the invention, wherein the polynucleotide is under control of a radioinducible transcriptional regulatory sequence. New claim